

**Town of Scituate
Conservation Commission
Town Hall Selectmen's Hearing Room
Meeting Minutes
June 4, 2014**

Meeting was called to order at 6:20 p.m.

Members Present: Mr. Snow, Chairman, Ms. Caisse, Mr. Harding, Mr. Parys, Ms. Scott-Pipes and Mr. Schmid.

Also Present: Patrick Gallivan, Agent and Carol Logue, Secretary

Agenda: Motion to accept the agenda as amended to discuss: conservation appointments, Certificate of Compliance for 98 Crescent Ave.; 271 Central, 244 Central, update on Goulston property Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Request for Determination: Erwin, 112 Hollett Street (reconfigure driveway/pervious pavement)*

Suzanne Erwin was present, her husband Stephen is on his way. Would like to reposition the driveway that goes toward the wetlands. Mr. Gallivan: wetlands is at the beginning of the marsh at the wall; trading a lawn for a pervious driveway; 5' between driveway and wetlands. Trying to make it safer. The repaved road is becoming a raceway and entire runoff comes off Hollett. There is a huge rock when you come around the bend and a blind spot. Trying to create space for a 3 point turn. Mr. Harding: how much additional footage? 38' long x 10' wide. What type of material, crushed stone? Yes. Pat measured 10' x 20' additional gravel to the left of existing driveway. Mr. Schmid: can we define the pervious surface? Mr. Gallivan: usually leave it up to the contractor to see what would work best. Ms. Scott-Pipes: would think we'd want something very pervious. Don't want runoff to sheet to the marsh. Mr. Erwin arrived. Exact dimensions: 18' at the long end and 9' or 10' on the short end. 10' x 18' x 38'. Contractor said a bituminous concrete porous pavement, aerated, with a drainage base under. Raising the grade of the driveway at the curb line. Impossible area to drive out in reverse. Three trees are coming down. Mr. Snow: All inside the 50' buffer. Is this the only driveway? Yes. If trees are going to be removed, request more plantings along the wall. Look for pervious pavers; alternative would be crushed stone for a less intrusive and more natural surface. Ms. Scott-Pipes: are we going to tell them what material to use? Existing driveway is hard-packed. Motion for a negative 3 determination with conditions: Replacement trees shall be planted along the stone wall. If a more natural material could be installed, the property owner shall consider using it. A thorough description of the subsurface material for the driveway shall be submitted to the Conservation Commission. Ms. Scott-Pipes. Second Mr. Parys. Motion passed by unanimous vote.

Request for Determination: Finnegan, 153 Hollett (remove stumps, debris, invasive vines/replace fence)*

Nora and Paul Finnegan were present at the hearing. Made a courtesy call to the office and was told to file. Trying to remove overgrown invasives, remove debris, fallen trees, plant some grass, and put up a new fence. Ms. Scott-Pipes: looks like you are in the 50' buffer. It's great to get the invasives and the cinder blocks out, but it seems to be cleared. Can't go in the 50' buffer. Once you get all the junk out, have great issues with a lawn in the 50' buffer. Supposed to be protecting the wetlands. It was all cleared when they moved in and landscaped within an inch of its life. Where it was cleared it was all lawn. Trying to recoup what has grown in in the last 3 or 4 years. Mr. Schmid: want to clarify; this doesn't mention anything about a lawn. We were going to put in a vegetable garden, not necessarily a lawn. Ms. Caisse: what about the trees that were cut? Lost them in February storm. Want to keep the original line. Previously there was a wire fence and want to replace with a wooden one in the same location. Mr. Snow went out to site and saw a lot of debris; cement blocks, etc., undoubtedly filled at one time, goes way back into the swamp and is relatively elevated. Trees on the left are red pines, which will die in a couple of years. Maybe they could be replaced with something more native. Could see evidence of what was cut, only 3" or 4" in diameter. Work is in our jurisdiction. Need to decide what we think can be allowed. Certainly some work was done in the 50' buffer, but do we want them to remove the trash? Mr. Gallivan: agree with Penny, the goal is to protect the wetlands, but on a previously altered site, and filled originally, we look for an opportunity to capture some of the wetland and maybe prevent impacting in the future. Maybe take out the invasives and maybe some lawn could go in an area, but establish a line of no intrusion. Allow some use, but protect the wetlands. Ms. Scott-Pipes: if the fence is put in the same location as the wire, it would give a little more back yard. Maybe go to the site and come to a meeting of the minds; willing to work with you. Where the gully is is where the fence would go. Mr. Harding: want to see some sort of a drawing to show where the fence is and come up with a planting plan. Don't think it is an impossible situation, but we need to be careful with the wetlands. Mr. Parys: need to have a plan with more detail. That's why I took . . . Mr. Gallivan: we could say this is the Wetlands Protection Act and not allow anything. We are trying to work with you. There has been recent cutting; we know what you want, but cannot allow what was historically done. Mr. Snow: take the plan; draw a line where the fence will go. Give them some ability to keep the invasives out. Should look at those red pine trees now if you want to remove them. Ms. Caisse: sounds easy, all doable, we just need specifics. Motion to continue the hearing to June 18, 2014 Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Wetlands Hearing: Parsons, 42 Pin Oak (Swimming pool)*

Jeff Hassett, Morse Engineering, Chris Teuton, pool installer and Judy Parsons were present at the hearing. Abutters' notification was submitted. 2.6 acre lot, majority is wetlands. Wetlands were flagged in 2011 when an RDA was filed. Partial fence installed with lawn and landscaping going to and beyond the wetland. Proposing a 14' x 30' pool close to the house, with an 8' wide concrete patio, crushed stone trench for runoff. Plan shows the 50' buffer in red, the 100' in green. No other place to put the pool; concrete patio is 30' from the wetlands. 916 sq. ft. of mitigation 2 to 1 for the entire area. Planting plan by Brad Holmes. Site will be improved with the stone trench and mitigation. Erosion controls will be staked straw waddles as well as a silt fence. Septic tank will be removed. Ms. Scott-Pipes: is it sewer now? Yes. When was GIS Figure 4 taken? Trees were thick. No trees have been cleared. Planning to take down 3 trees. 1 nice one, 2 other trees are covered with vines. You are in the 50' buffer, digging a 30' x 14' pool 8' plus deep; putting in a permanent structure. The water table is very high; moss is all over the back yard. Back in 2011, there were plantings supposed to be installed between flags 6 and 15, now you are asking for a pool. Started planting after the building was done, but blueberries all died. Have already ordered \$2400 of plants. Do the plantings from the previous filing first. Mr. Teuton: The deep end is 6' deep and with the elevations the shallow end will only be down 3-1/2'. Trying to keep the pool out of the water table. Has a pit at the deep end, where there is a T with a pressure relief tube, that way the pool doesn't get pushed

up. Always try and keep the shallow end out of groundwater. These pools are always kept full of water. Mr. Schmid: when work is done in the 50' buffer, we always look for a reason to allow it. Don't see any overriding reason here. Ms. Parsons: Father suffered a stroke and has had 2 hip replacements. Would like to do an above ground pool, but he couldn't get in it. Lived there since 1978 and winters in Florida. There are a substantial amount of plants and a fence to protect and enhance the buffer. Mr. Harding: wouldn't even think of it if it wasn't for the mitigation. Biggest concern is previous mitigation not done; needs to be done and maybe more added. Mitigation is 2 to 1 for the whole project, not just the 50' buffer. 3.1 to 1 in the 50' buffer. Mr. Parys: Penny's concern requires that all the plantings be done before the pool work is started. Require all the plantings be done in both areas. Buffer zone is lawn up to the wetlands; improve the buffer zone if we allow the pool. Ms. Caisse: agree. Is there a way to continue the plantings around the perimeter of the property? Yes, have already started taking the poison ivy out. Willing to do whatever is recommended. Would you consider doing the plantings first? Would like to do the project all at once; we can start in a couple of weeks. Mr. Gallivan: plant the original mitigation. Patio did get a little smaller and the pool moved a little. Don't know how much lawn was removed. Mr. Harding: would love to see additional mitigation added to the plan. Want to know where the plantings will be. Flag A15 to A6 and over tree line to A5. Mr. Snow: follow same planting plan for the whole area. Any large trees to be replaced? 5 Arborvitae 5' tall, 5' birch, also ordered 5 maples. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Harding. Motion passed by a 4 to 2 vote. With conditions: add area to be planted out; excavated soils will be trucked out.

Wetlands Hearing: Drinkwater, 7 Barry's Landing (detached garage/driveway/landscaping) (cont.)

Greg Morse, Morse Engineering and David & Maryellen Drinkwater were present at the hearing. Work in the 100' buffer, new driveway and landscaping improvements. Since the last meeting have been to the North River Commission. They approved all the work with 2 exceptions, proposed retaining wall and patio unless it is part of the driveway outside 75' from top of bank. Would need to file a special permit for the wall, but probably would be approved. The 6 cedar trees are being removed; hand cutting vines from stone wall and restacking stones; plantings will be installed in front of the stone wall on the up gradient side; previous driveway 75' from the top of the bank; regrading outside the 50' buffer; and using erosion controls. North River Commission asked them to pull the patio back a little if they apply for the special permit. Mr. Schmid: how much square footage of impervious surface? It is pervious asphalt, 1600 sq. ft. Mr. Snow: more than 5,000 ft. of disturbance? Probably right at or very close. Will have to check that. May forgo the special permit for the wall and that line would be the limit of work. According to NRC the width of the structure can only be 20'. Standard is 24' x 26'. This is designed to have 2 cars end on end. Longer, not wider; held at 20' and it is a one story building now. Mr. Gallivan: Greg Morse has to look into stormwater. Certainly think we could close. Mr. Snow: Put a condition regarding plantings, type, quantity, and length of the removal area of the vines. Mr. Bjorklund: usually just put a cloud on the plan. Motion to close the hearing Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Wetlands Hearing: Burke, 50 Surfside Road (wetland delineation)*

Paul Mirabito from Ross Engineering and Brian Burke were present at the hearing. It has been decided Mr. Gallivan would go out and review the line with Brad Holmes; Ms. Scott-Pipes and Ms. Caisse also attended. Penny was able to vouch for the fact it was always a field and not filled. However, there were some grass clippings and stones from over wash. Maybe a Minor Activity Permit could be issued to allow clean up. No filling has ever been done. Agreed with line; no wetland plants. Mr. Schmid: all we are agreeing to is the wetlands line. Resource areas: barrier beach, land subject to coastal storm flowage, and flood zone AE elevation 10'. Motion to close the hearing and accept the wetland line Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Request for Determination: Howe, 92 Clapp Road (12' x 14' deck) (cont.)

Mr. Gallivan: there is an older Order of Conditions that was never closed out. Where the plantings were supposed to go there is a trampoline. There is a big fenced off area for a garden, not being used. Met with the homeowner. Could do Conservation posts. We are to let her know what she has to do. Discussed 4 posts could go with the plaques. Ms. Scott-Pipes: since you brought up the conservation posts; too many times the post and rail fences rot and come down, or are removed, really feel we should go back to granite posts, they don't rot. It is a little more expensive, but you need something permanent. Mr. Gallivan: once they are put in, we know the distance. Specify how deep 3' down, 1' above. We used to do the granite. Mr. Parys: can take the granite posts out too. Mr. Bjorklund: Mass sign over in Norwell have the signs for \$18.75 apiece. Mr. Gallivan: the place Hanover used to get them was \$1.50. Working with the Treasurer and Accountant to set up an account. Continue this hearing until plantings are complete. Motion to continue the hearing to June 18, 2014. Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Agents report:

7 Revere: small wooden foundation, wants to put in a shed. Issues weather to file a Request for Determination or a Notice of Intent. He doesn't mind if he has to put it on pilings. House is on pilings, shed should be too. Install past the rowboat on a higher area. Mr. Parys: Not a V zone; could be an RDA. Can talk about where it will go when filing comes in.

Regulations: Fees for Minor Activities. Need to go through regs, some are in conflict with state. Come up with a couple of convenient times; maybe meet at the WPA building.

158 Border: controversial years ago. Clearly it is a mess out there. Found a couple of files, Enforcement Order was sent in 2009 with no outcome. Told to hire an engineer and get the water flowing. They put a pipe in the ground; abutters have a legitimate complaint. Write a letter, it wasn't done right. Send an additional Enforcement Order.

Same with Gardiner Road, reference the first Enforcement Order.

Chittenden Road: behind school. Dead-end – been some encroachment onto Town property, cars stored there, and debris. Start with a letter. Will get that out early next week.

The Glen is getting ready to start. The decision was to keep the trail system in the same place. Engineering firm is gone, won't be involved. Preconstruction in the next couple of weeks. Talked to Steve Ivas willing to come back – contractor hired to do replication. If anyone wants to walk the site, let me know. Dan Wells took all the old files.

Preconstruction for Studley Farm next week, wanted to see stakes first.

Goulston property: new developers, Toll Brothers. First step is an ANRAD; previously done about 9 years ago. Mark Manganello from LEC did another flagging. Met at site with Frank and Rich, talked about some of the drainage areas and enhanced BVW replication. We would hire a wetland specialist to review the ANRAD, maybe start by looking at the old one. Mr. Snow: Seems like they are moving in the direction we gave them in the informal meeting.

Brunswick Street and Hawthorne, spraying of plants to kill beach grass. Neighborhood dispute. Will send a letter. Beach grass pulled out and killed; that's the allegation.

181 Edward Foster: violation letter sent. They want to create a wet meadow or a pond. Looked at the files, wetland flagging shows all wetland; now it is lawn. This is not supposed to be a lawn area; mowed weekly. Trickier and more involved than originally thought. Will be meeting with the property owners.

136 Indian Trail: Petrocelli is getting to the end of his work, before he finishes, need to get to the site to see if the last plan was followed. Abutter called to see if it was correct. Commission wants to know when Pat is going to site.

228 Central Ave.: owners live in Florida. Perpendicular concrete walls were installed. Requested a Certificate of Compliance, obviously not going to issue.

Armstrong was coming in about Atlantic Ave. House right on the water, wants to move the house onto the empty lot, install pilings and put house back.

Mr. Snow: Damon property is moving forward trying to get survey complete and appraisals for a quicker closing, hopefully.

The Selectmen need to know the importance of keeping the older members on Conservation.

271 Central Ave.: Not on the agenda. Update: there is a lot more debris, cranes, lawn, everything going on there. Need to have another discussion.

244 Central Ave.: tight tank installed. Don't know if we can issue a Certificate of Compliance in case it fails, if it is sized for 3 bedrooms, but is advertised for 6 bedrooms. Heard the other day, if you drill holes in the bottom of the tank it lasts longer; unbelievable.

98 Crescent Ave.: came in for Certificate of Compliance. Closing soon, went to site, but no as-built plan. Sent in something very different, no comparison at all.

Minutes: April 16, 2014 and May 7, 2014

Motion to accept the minutes of April 16, 2014 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous.

Motion to accept the minutes of May 7, 2014 Ms. Scott-Pipes. Second Mr. Schmid. Motion passed by unanimous vote.

Order of Conditions: Pratt, 180 Central Ave. (footings for deck) (NO DEP File #)
No DEP #

Order of Conditions: Geary, 0 & 23 Parker Ave. (amended stormwater)
Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Hanna, 117 Glades Road (septic)
Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Amendment to the Order of Conditions: Swartz, 14 Kimberly Road (new build)
Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Order of Conditions: Inly School, 136 Cornet Stetson Road (nature trail & plantings)
Motion to condition the project Ms. Scott-Pipes. Second Mr. Harding. Motion passed by unanimous vote.

Coastal position: Pay wasn't put into the posting; not sure anyone will take it.

CORRESPONDENCE

May 22, 2014 – June 4, 2014

1. Letter from Al Bangert re: Sewer Betterment. CPC purchased property on Country Way (43-1-10) adjacent to Steverman Farm to be under the care and custody of Conservation, therefore the betterment should be cleared from the title and written-off.
2. Request for CofC for 66 CJCH – Check; Request; OofC as filed at the registry; and as-built (in file)
3. Recording of Serini, 5 Irving Street – 68-2510 (in file)
4. Abutter notification for Stephen Lind within 100' of 42 Pin Oak Drive (in file)
5. Planning re: 483-495 Country Way Lot 1 – New Build – 6,725 sq. ft. of impervious. The plan indicates no wetland resource areas. COMMENTS by June 12, 2014. (to Pat)
6. 238 Central Ave. – have a permit to build a dock on the South River. This permit is set to expire in December, respectfully request that the Commission grant us a 3-year extension.
7. TEC Associates re: Mass Bay Commuter Railroad 2014 Vegetation Control Program. Transferred to Keolis Commuter Services for right-of-way maintenance
8. Inly School, 136 Cornet Stetson: only changes linear distance of the boardwalk and calculations of the ground contact of the posts. (in file)

9. Inly School, 136 Cornet Stetson: revised plan L-1 revision 3 (in file)
10. TEC Associates re: Keolis Commuter Services, LLC 2014 Vegetation Control Program. YOP follows 2011 RDA. Rights-of-Way 6/28-7/20; Touch-Up Application 8/9-29; Brush Application (non-sensitive areas) 8/9-29.
11. Zoning Board Agenda for 6/19/14.
12. Planning Board re: Stormwater Permit – 260 Beaver Dam Road. Additional single family home with attached garage and driveway on 25,000 sq. ft. lot. 20,000 sq. ft. of site is proposed to be disturbed. Comments by 6/5/14
13. Request for CofC for 68-2267 – Akerblom, 238 Central Ave. – check, request, Engineer’s letter, as-built (in file)
14. MACC Dues notice - \$519.00
15. Recording of OofC 68-2508 – Lot 2 – 55 Colonel Mansfield Drive (in file)
16. Request for CofC for 68-2034 – Pritchard, 98 Crescent Ave. – Certificate of Compliance Plan (stand-in for as-built) – other information submitted previously (in file)
17. DEP File #68-2514 – Parsons, 42 Pin Oak
18. North River Commission re: 7 Barry’s Landing (in file)
19. Old Picture of 50 Surfside Road
20. Picture of 153 Hollett Street
21. Picture of 158 Hollett Street
22. Revised plan for 7 Barry’s Landing
23. Zoning Board Agenda for June 19, 2014

Meeting adjourned 8:40 p.m.
Respectfully submitted,

Carol Logue, Secretary